



IPW
PATENT

Docket No. F-5482 DIV 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Vandlik et al.
Serial No.: 10/828,440
Filed: 20 April 2004
For: Blood Processing Systems with Fluid Flow Cassette with a Pressure Actuated Pump Chamber and In-Line Air Trap

Group Art Unit: Unknown
Examiner: Unknown

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION
(37 CFR 1.97(b))**

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION
DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

NOTE "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below as First Class Mail in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Judith Dunaway

Type or print name of person mailing paper

(Signature of person mailing paper)

Date: June 7, 2004

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

COPIES OF THE DOCUMENTS LISTED ON THE ATTACHED FORM PTO-1449 CAN BE FOUND IN THE FILE WRAPPER OF PARENT APPLICATION SERIAL NO. 09/390,265 FILED 3 SEPTEMBER 1999 OR 09/390,268 FILED 3 SEPTEMBER 1999 AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION.

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date June 7, 2004

Reg. No. 29,243

Telephone No.: (262) 783-1300


Signature of Attorney of Record
Daniel D. Ryan
Type or Print Name of Attorney of Record
RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226-0618

<p>LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)</p> <p style="text-align: center;">PCT/US PATENT & TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE</p> <p style="text-align: center;">JUN 10 2004</p>	ATTY DOCKET NO. F-5482 DIV 2	SERIAL NO. 10/828,440
	APPLICANT Vandlik et al.	
	FILING DATE April 20, 2004	GROUP

U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,778,451	10/18/1988	Kamen			
	4,479,760	10/30/1984	Bilstad et al.			
	4,479,762	10/30/1984	Bilstad et al.			
	4,808,161	02/28/1989	Kamen			
	4,865,584	09/12/1989	Epstein et al.			
	5,062,774	11/05/1991	Kramer et al.			
	5,088,515	02/18/1992	Kamen			
	5,108,367	04/28/1992	Epstein et al.			
	5,178,182	01/12/1993	Kamen			
	5,193,990	03/16/1993	Kamen et al.			
	5,350,357	09/27/1994	Kamen et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	WO 98/22165	1998	PCT			
	WO 98/22163	1998	PCT			
	WO 96/40328	1996	PCT			
	WO 95/20985	1995	PCT			
	WO 97/09074	1997	PCT			
	WO 97/02059	1997	PCT			
	WO 96/40319	1996	PCT			
	EP 0771569	1997	EP			

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

Therakos Brochure, Circa 1998

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through and not considered. Include copy of this of with next communication to applicant.

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,421,823	06/06/1995	Kamen et al.			
	5,431,626	07/11/1995	Bryant et al.			
	5,437,624	08/01/1995	Langley			
	5,438,510	08/01/1995	Bryant et al.			
	5,474,683	12/12/1995	Bryant et al.			
	5,628,908	05/13/1997	Kamen et al.			
	5,634,896	06/03/1997	Bryant et al.			
	5,651,766	07/29/1997	Kingsley et al.			
	5,676,644	10/14/1997	Toavs et al.			
	5,746,719	05/05/1998	Farra et al.			
	5,755,683	05/26/1998	Houle et al.			
	5,769,811	06/23/1998	Stacey et al.			
	5,938,634	08/17/1999	Packard			
	5,951,509	09/14/1999	Morris			
	6,106,498	08/22/2000	Friedli et al.			
	5,722,947	03/03/1998	Jeppsson et al.			
	4,816,019	03/28/1989	Kamen			
	4,077,882	03/07/1978	Gangemi			
	4,858,883	08/22/1989	Webster			
	6,071,423	06/06/2000	Brown et al.			
	4,119,120	10/10/1978	Mehaffy et al.			
	5,344,568	09/07/1999	Kitavich et al.			
	5,746,708	05/05/1998	Giesler et al.			
	4,828,543	05/09/1989	Weiss et al.			

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	4,486,189	12/04/1984	Troutner et al.			
	4,479,761	10/30/1984	Bilstad et al.			
	5,921,951	07/13/1999	Morris			
	5,593,290	01/14/1997	Greisch et al.			
	5,989,438	11/23/1999	Fumiayama			
	5,482,440	01/09/1996	Dennehey et al.			
	5,871,693	02/16/1999	Lindsay			
	5,311,908	05/17/1994	Barone et al.			
	5,462,416	10/31/1995	Dennehey et al.			
	4,479,761	10/1984	Bilstad et al.			
	5,273,517	12/1993	Barone et al.			
	4,965,846	10/1990	Williamson IV			
	4,410,341	10/1983	Edwards et al.			
	3,681,899	08/1972	Grote			
	4,447,191	05/1984	Bilstad et al.			
	4,481,827	11/1994	Bilstad et al.			
	4,526,515	07/1985	DeVries			
	5,232,437	08/1993	Lysaght et al.			
	5,588,816	12/1996	Abbott et al.			
	5,762,791	06/1998	Deniega			
	5,795,317	08/1998	Brierton et al.			
	3,656,873	04/1972	Schiff			
	4,750,868	06/1988	Lundback			
	RE36,871	09/2000	Epstein et al.			

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	3,783,453	01/1974	Bolie			
	3,919,722	11/1975	Harmison			
	4,162,543	07/1979	Shumakov et al.			
	4,175,264	11/1979	Schiff			
	4,373,527	02/1983	Fischell			
	4,381,567	05/1983	Robinson et al.			
	4,428,744	01/1984	Edelson			
	4,467,844	08/1984	DiGianfilippo et al.			
	4,612,007	09/1986	Edelson			
	4,613,322	09/1986	Edelson			
	4,623,328	11/1986	Hartranft			
	4,648,430	03/1987	DiGianfilippo et al.			
	4,657,529	04/1987	Prince et al.			
	4,662,358	05/1987	Farrar et al.			
	4,670,007	06/1987	Wheeldon et al.			
	4,683,889	08/1987	Edelson			
	5,112,298	05/1992	Prince et al.			
	5,149,43	09/1992	Maget			
	5,200,090	04/1993	Ford et al.			
	5,205,819	04/1993	Ross et al.			
	5,438,510	08/1995	Bryant et al.			
	5,693,091	12/1997	Larson Jr. et al.			
	5,718,248	02/1998	Trumble et al.			
	5,856,929	01/1999	McClendon et al.			

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U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

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